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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,084	01/03/2002	Robert J. Falster	MEMC 98-3052 (2512.2)	7363
321	7590	08/04/2004	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL			MAI, ANH D	
ONE METROPOLITAN SQUARE			ART UNIT	
16TH FLOOR			PAPER NUMBER	
ST LOUIS, MO 63102			2814	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/038,084

Applicant(s)

FALSTER, ROBERT J.

Examiner

Anh D. Mai

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 28 June 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): claims 49-51.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

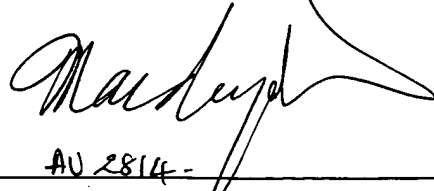
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 49-51.Claim(s) rejected: 47, 48 and 52.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: _____


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Continuation of 5. does NOT place the application in condition for allowance because:

*With respect to the Applicants assertion of improper Final Rejection, since the Office Action mailed January 28, 2004 is response to the new ground submitted by the Applicants, therefore, the Final Rejection is proper as indicated in MPEP 706.07(a)

*The terminal disclaimer filed on June 28, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent 5,919,302 has been reviewed and is accepted. The terminal disclaimer has been recorded.

*With respect to claim 47, the Applicant argue: however, Park et al. nowhere describe the "V" region, either explicitly or inherently, as being substantially free of agglomerated intrinsic point defects. (claimed as agglomerated vacancy-type defects).

As discussed in the rejection, Park, col. 4, lines 1-4, teaches: Accordingly, when this ingot is sliced into wafers, the wafers are pure silicon wafers that may include point defects but the are free of vacancy agglomerates and interstitial agglomerates. Clearly, the wafers of Park is vacancy rich, e.g. vacancy dominated, and substantially free of agglomerates vacancy-type defects. Thus, in view of Park, using the the wafer of Park in an SOI substrate of Nakato should result in the device layer as claimed.

*With respect to claim 48, the Applicants assert: an ingot grown by the CZ method must inherently have an oxygen content less than about 13PPMA is incorrect.

However, as clearly shown in Wolf et al. cited May, 7, 2003, Table 2, page 27, indicates that oxygen content in a wafer by CZ are from 5-25 PPMA, which includes the claimed range less than 13PPMA.

With respect to claim 52, the limitation of the claim is met. See Fig. 3C, col. 7, line 67 to col. 8 line 4.

With respect to claims 49-51, in light of the arguments, claims 49-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.